

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

GOOGLE LLC,

Plaintiff,

v.

SONOS, INC.,

Defendant.

Case No. 3:20-cv-6754

**SONOS, INC.'S CORRECTED
SUPPLEMENTAL DISCLOSURE OF
ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Honorable William Alsup

1 Pursuant to Patent Local Rules 3-1 and 3-2 and the Court's instructions during the January
2 6, 2022 motion hearing, Plaintiff Sonos, Inc. ("Sonos") hereby submits this Supplemental
3 Disclosure of Asserted Claims and Infringement Contentions for U.S. Patent Nos. 9,967,615 (the
4 "'615 Patent"), 10,779,033 (the "'033 Patent"), 10,469,966 (the "'966 Patent"), and 10,848,885
5 ("the '885 Patent") (collectively, "the Asserted Patents").

6 Sonos bases these contentions on its current knowledge, understanding, and belief as to
7 the facts and information available as of the date of these contentions. Sonos has not yet
8 completed its investigation, collection of information, discovery, or analysis relating to this
9 action, and additional discovery, including discovery from Google and third parties, may lead
10 Sonos to further amend, revise, and/or supplement these contentions. Indeed, the accused
11 functionalities of the accused instrumentalities are implemented, at least in part, by proprietary
12 and specialized electronics, firmware, and/or software, and the precise designs, processes, and
13 algorithms used to perform the accused functionalities are held secret, at least in part, and are not
14 publicly available in their entirety. As such, an analysis of non-publicly-available documentation
15 and source code, including that of Google and/or third-parties, such as Spotify, may be necessary
16 to fully and accurately describe every infringing functionality.

17 However, merits discovery in this action has barely begun and, as of the date of service of
18 these contentions, is not scheduled to close until November 30, 2022. To date, Google has not
19 produced documents responsive to Sonos's outstanding document requests, no depositions have
20 been taken, and third-party discovery remains outstanding including document and deposition
21 subpoenas to Spotify.

22 Likewise, Google's interrogatory responses are woefully deficient in many respects and
23 completely non-responsive in others. As a non-limiting example, in response to Sonos's
24 interrogatories asking Google to explain certain discrete aspects of how Google's own products
25 work, Google responded only by referring Sonos to Google's entire source code production
26 (without referring to any particular code modules, functions, methods, line numbers, or even
27 directories) and by block citing over 48,000 pages of Google's document production. As another
28 non-limiting example, in response to Sonos's interrogatory asking how the Accused Cast-Enabled

1 Apps are made available for download, Google refused to respond at all. Without the benefit of
 2 discovery responses from Google, Sonos's inspection of Google's source code is ongoing. Given
 3 that fact discovery is in its infancy and Google served its (deficient) discovery responses on
 4 September 7, 2021 and has refused to engage with Sonos about when it will adequately
 5 supplement its responses, Sonos has not had an opportunity to confer with Google on these
 6 responses or approach the Court for intervention, if necessary.

7 For at least these reasons, Sonos specifically reserves the right to further amend, revise
 8 and/or supplement these contentions and/or accompanying exhibits in accordance with any
 9 Orders of record in this matter, Patent L.R. 3-6, and Federal Rule of Civil Procedure 26(e), as
 10 additional documents and information become available and as discovery and investigation
 11 proceed. Sonos also reserves the right to supplement, modify or amend these contentions to
 12 include additional products or services made, used, sold, or offered for sale in or imported into the
 13 United States by Google.

14 The information in these contentions is not an admission regarding the scope of any
 15 claims or the proper construction of those claims or any terms contained therein. Google has not
 16 indicated whether it intends to advance in this case any construction of any claim pursuant to L.R.
 17 4-2. In the event Google advances any constructions under L.R. 4-2 pursuant to the Court's Case
 18 Management Scheduling Order (Dkt. 67), Sonos reserves the right to revise or supplement these
 19 contentions to address such a construction. *See* Dkt. 67, ¶ 17.

20 **I. Disclosure of Asserted Claims & Infringement Contentions**

21 **A. Identification of Accused Instrumentalities Pursuant to Patent L.R. 3-1(b)**

22 Based on the information currently in its possession, Sonos contends that the Asserted
 23 Patents are infringed by Google via, either individually or in combination, the following products
 24 (individually, "**Accused Instrumentality**" or collectively, "**Accused Instrumentalities**"):

25 '615 and '033 Patents: (a) Smartphone, tablet, and computer devices, including Google's
 26 own "Pixel" smartphone, tablet, and computer devices (e.g., the Pixel, Pixel XL, Pixel 2, Pixel 2
 27 XL, Pixel 3, Pixel 3 XL, Pixel 3a, Pixel 3a XL, Pixel 4, Pixel 4 XL, Pixel 4a, Pixel 4a (5G), Pixel
 28 5, Pixel 5a (5G), Pixel 6, and Pixel 6 Pro phones, the Pixel Slate tablet, and the Pixelbook and

Pixelbook Go laptops), as well as third-party smartphone, tablet, and computer devices, that are (i) installed with any of Google’s own Cast-enabled Android, iOS, Chrome or browser-based apps that allow a user to transfer playback of streaming media content from the user’s smartphone, tablet, or computer devices to a Cast-enabled media player and then control the Cast-enabled media player’s playback, including but not limited to the YouTube app, YouTube Kids app, YouTube TV app, YouTube Music app, and Google Play Music app, accessed via either an app store or ChromeCast-enabled site URL¹ (including youtube.com, music.youtube.com, tv.youtube.com, and spotify.com) and/or (ii) installed with any third-party Cast-enabled app that allows a user to transfer playback of streaming media content from the user’s smartphone, tablet, or computer devices to a Cast-enabled media player and then control the Cast-enabled media player’s playback, including but not limited to the Spotify app² (the foregoing, including Chromecast-enabled websites, are referred to herein either individually or collectively as the “**accused Cast-enabled apps**”)³; (b) Cast-enabled media players having a display screen and installed with Cast-enabled software (e.g., firmware and/or Cast-enabled apps) that allows a user to transfer playback of streaming media content from the Cast-enabled media player to another Cast-enabled media player and then control the other Cast-enabled media player’s playback, including Google’s Home Hub, Nest Hub, and Nest Hub Max media players (referred to herein as “**Cast-enabled displays**”); (c) Servers that host at least one of the accused Cast-enabled apps for download onto or access by smartphone, tablet, or computer devices; and (d) Cloud-based

¹ See, e.g., <https://support.google.com/chromecast/answer/3265953?hl=en>.

² See, e.g., <https://support.google.com/chromecast/builtin/answer/6279384?hl=en#zippy=%2Cbefore-you-begin-casting%2Ccast-from-chromecast-enabled-apps-to-your-audio-device%2Cfind-new-content-to-cast;https://www.google.com/chromecast/built-in/apps/>.

³ Although Sonos is not currently aware of which third-party smartphone, tablet, and computer devices were, between May 2018 to present, actually installed with one or more accused Cast-enabled apps, and awaits production of this information from Google, in the spirit of providing as much disclosure as possible given Google’s request, and in an effort to address the Court’s guidance during the January 6, 2022 hearing, attached hereto as Appendix 1 is a list of possible third-party smartphone, tablet, and computer devices that may have been used to download and install one or more accused Cast-enabled apps between May 2018 to present. Although efforts have been made to compile as accurate and as complete a list as possible, it may be the case that some of the devices listed in Appendix 1 were not used to download and install any accused Cast-enabled apps between May 2018 to present and/or it may be the case that other devices were used to download and install one or more accused Cast-enabled apps between May 2018 to present. Given this, Sonos reserves the right to revise or supplement this as discovery progresses.

1 infrastructure hosting backend software that facilitates the aforementioned Cast functionality for
 2 transferring playback of streaming media content to a Cast-enabled media player and/or
 3 controlling the Cast-enabled media player's playback.

4 '966 Patent: (a) Smartphone, tablet, and computer devices, including Google's own
 5 "Pixel" smartphone, tablet, and computer devices (e.g., the Pixel, Pixel XL, Pixel 2, Pixel 2 XL,
 6 Pixel 3, Pixel 3XL, Pixel 3a, Pixel 3a XL, Pixel 4, Pixel 4 XL, Pixel 4a, Pixel 4a (5G), Pixel 5,
 7 Pixel 5a (5G), Pixel 6, and Pixel 6 Pro phones, the Pixel Slate tablet, and the Pixelbook and
 8 Pixelbook Go laptops), as well as third-party smartphone, tablet, or computer devices, that are
 9 installed with the Google Home app⁴; and (b) Servers that host the Google Home app for
 10 download onto smartphone, tablet, or computer devices.

11 '885 Patent: "**Cast-enabled media players**," including Google's Chromecast,
 12 Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini, Nest Mini,
 13 Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, and Nest Wifi Point
 14 media players.

15 **B. Identification of Asserted Claims Pursuant to Patent L.R. 3-1(a)**

16 Based on the information currently in its possession, Sonos asserts the following claims
 17 (collectively, the "Asserted Claims") literally and/or under the Doctrine of Equivalents. Sonos
 18 expressly reserves the right to amend and/or supplement its identification of Asserted Claims
 19 should discovery (including Google's technical documentation, source code, and witnesses)
 20 reveal additional, relevant information.

U.S. Patent No.	Asserted Claims
9,967,615	13, 14, 15, 18, 19, 20, 21, 25, 26
10,779,033	1, 2, 4, 9, 11, 12, 13, 16
10,469,966	1, 2, 4, 6, 8, 9, 10, 12, 14, 16
10,848,885	1, 3, 7, 8, 10, 14

24 **i. Direct Infringement Under 35 U.S.C. § 271(a)**

25 '615 and '033 Patents: Sonos contends that each smartphone, tablet, and computer device
 26 installed with any one or more of the accused Cast-enabled apps (referred to herein as a "**Cast-**

27 _____
 28 ⁴ See *supra* note 3. The devices listed in Appendix 1 may have also been used to download and install the Google Home app between November 2019 to present.

1 **enabled computing device”),** as well as each Cast-enabled display, infringes the asserted claims
2 of the ’615 and ’033 Patents. Thus, Google has directly infringed and continues to directly
3 infringe each asserted claim of the ’615 and ’033 Patents at least by offering to sell, selling,
4 and/or importing into the United States its “Pixel” brand of Cast-enabled computing devices, as
5 well as its Cast-enabled displays, in violation of 35 U.S.C. § 271(a).

6 Further, on information and belief, Google has directly infringed and continues to directly
7 infringe claims 13-15, 18-21, 23-26, 28-29 of the ’615 Patent and claims 1-2, 4, 7-13 of the ’033
8 Patent by virtue of installing one or more of the accused Cast-enabled apps onto Cast-enabled
9 computing devices and installing Cast-enabled software (e.g., firmware updates and/or Cast-
10 enabled apps) onto Cast-enabled displays within the United States, which constitutes “mak[ing]”
11 an infringing device under 35 U.S.C. § 271(a).

12 Further yet, on information and belief, Google has directly infringed and continues to
13 directly infringe each asserted claim of the ’615 and ’033 Patents by virtue of testing Cast-
14 enabled computing devices and testing Cast-enabled displays within the United States, which
15 constitutes “us[ing]” an infringing device under 35 U.S.C. § 271(a).

16 Still further, on information and belief, Google operates servers in the United States that
17 host Cast-enabled apps for download onto Cast-enabled computing devices and/or Cast-enabled
18 software (e.g., firmware and/or Cast-enabled apps) for download onto Cast-enabled displays, and
19 these servers infringe certain asserted claims of the ’615 and ’033 Patents (e.g., claims 13-15, 18-
20 21, and 23-24 of the ’615 Patent and claims 12-13 of the ’033 Patent). Thus, Google has also
21 directly infringed and continues to directly infringe certain asserted claims of the ’615 and ’033
22 Patents by “mak[ing]” and/or “us[ing]” servers that host this software in violation of 35 U.S.C. §
23 271(a).

24 ’966 Patent: Sonos contends that each computing device installed with at least the Google
25 Home app infringes every asserted claim of the ’966 Patent. Thus, Google has directly infringed
26 and continues to directly infringe each asserted claim of the ’966 Patent at least by offering to
27 sell, selling, and/or importing into the United States its “Pixel” brand of computing devices that
28 are installed with the Google Home app.

1 Further, on information and belief, Google has directly infringed and continues to directly
 2 infringe claims 1-4, 6-12, 14-16 of the '966 Patent by virtue of installing at least the Google
 3 Home app onto computing devices, which constitutes "mak[ing]" an infringing device under 35
 4 U.S.C. § 271(a).

5 Further yet, on information and belief, Google has directly infringed and continues to
 6 directly infringe each asserted claim of the '966 Patent by virtue of testing computing devices
 7 installed with at least the Google Home app, which constitutes "us[ing]" an infringing device
 8 under 35 U.S.C. § 271(a).

9 Still further, on information and belief, Google operates servers in the United States that
 10 host at least the Google Home app for download onto smartphone, tablet, and computer devices,
 11 and these servers infringe certain asserted claims of the '966 Patent (e.g., claims 9-12 and 14-16).
 12 Thus, Google has also directly infringed and continues to directly infringe certain asserted claims
 13 of the '966 Patent at least by "mak[ing]" and/or "us[ing]" servers that host at least the Google
 14 Home app in violation of 35 U.S.C. § 271(a).

15 '885 Patent: Sonos contends that each Cast-enabled media player infringes every asserted
 16 claim of the '885 Patent. Thus, Google has directly infringed and continues to directly infringe
 17 each asserted claim of the '885 Patent at least by offering to sell, selling, and/or importing into the
 18 United States Cast-enabled media players.

19 Further, on information and belief, Google has directly infringed and continues to directly
 20 infringe claims 1-3, 5-10, 12-14 of the '885 Patent by virtue of installing software (e.g., firmware
 21 updates) onto Cast-enabled media players, which constitutes "mak[ing]" an infringing device
 22 under 35 U.S.C. § 271(a).

23 Further yet, on information and belief, Google has directly infringed and continues to
 24 directly infringe each asserted claim of the '885 Patent by virtue of using Cast-enabled media
 25 players, which constitutes "us[ing]" an infringing device under 35 U.S.C. § 271(a).

26 **ii. Induced Infringement Under 35 U.S.C. § 271(b)**

27 Pursuant to 35 U.S.C. § 271(b), Google also actively, knowingly, and intentionally
 28 induced (and continues to actively, knowingly, and intentionally induce) others to make, use,

1 offer to sell, sell, and/or import the Accused Instrumentalities into the United States. As noted in
2 Sonos's Amended Complaint, Google had actual knowledge of the Asserted Patents prior to the
3 filing of the Complaint. *See also* Google LLC's Objections and Responses to Sonos's Inc.'s First
4 Set of Interrogatories (Nos. 1-20) (dated September 7, 2021) at Google's response to Sonos's
5 Interrogatory No. 1; Sonos, Inc.'s Objections and Responses to Google LLC's First Set of
6 Interrogatories (Nos. 1-20) (dated September 7, 2021) at Sonos's response to Google's
7 Interrogatory No. 14, both of which are herein incorporated by reference.

8 '615 and '033 Patents: Sonos contends that each Cast-enabled computing device, as well
9 as each Cast-enabled display, infringes every asserted claim of the '615 and '033 Patents. Despite
10 knowing of the '615 and '033 Patents, Google has actively, knowingly, and intentionally induced
11 (and continues to actively, knowingly, and intentionally induce) others to directly infringe the
12 asserted claims in various ways, in violation of 35 U.S.C. § 271(b).

13 For example, through Google's website, advertising and promotional material, user
14 guides, and/or the Google Play Store, Google has actively, knowingly, and intentionally
15 encouraged and induced (and continues to actively, knowingly, and intentionally encourage and
16 induce) others to install one or more of the accused Cast-enabled apps (including Google's own
17 Cast-enabled apps and third-party Cast-enabled apps, such as Spotify) onto computing devices,
18 and thereby "make[]" an infringing device, which constitutes direct infringement of claims 13-15,
19 18-21, 23-26, 28-29 of the '615 Patent and claims 1-2, 4, 7-13 of the '033 Patent under 35 U.S.C.
20 § 271(a).

21 As another example, through Google's website, advertising and promotional material, user
22 guides, and Cast-enabled apps, Google has actively, knowingly, and intentionally encouraged and
23 induced (and continues to actively, knowingly, and intentionally encourage and induce) others to
24 install Cast-enabled software (e.g., firmware updates and/or Cast-enabled apps) onto the Cast-
25 enabled displays, and thereby "make[]" an infringing device, which constitutes direct
26 infringement of claims 13-15, 18-21, 23-26, 28-29 of the '615 Patent and claims 1-2, 4, 7-13 of
27 the '033 Patent under 35 U.S.C. § 271(a).

1 As yet another example, through Google’s website, advertising and promotional material,
2 user guides, and/or the Google Play Store, Google has actively, knowingly, and intentionally
3 encouraged and induced (and continues to actively, knowingly, and intentionally encourage and
4 induce) others to “use” Cast-enabled computing devices installed with one or more of the accused
5 Cast-enabled apps (including Google’s own Cast-enabled apps and third-party Cast-enabled apps,
6 such as Spotify) and “use” Cast-enabled displays, which constitutes direct infringement of the
7 asserted claims of the ’615 and ’033 Patents under 35 U.S.C. § 271(a).

8 As a further example, Google has actively, knowingly, and intentionally encouraged and
9 induced (and continues to actively, knowingly, and intentionally encourage and induce)
10 distributors and retailers to “offer[] to sell” and “sell[]” Cast-enabled computing devices installed
11 with one or more of the accused Cast-enabled apps, as well as Cast-enabled displays, which
12 constitutes direct infringement of the asserted claims of the ’615 and ’033 Patents under 35
13 U.S.C. § 271(a).

14 As still another example, by making, importing, offering to sell, and selling Cast-enabled
15 media players programmed with software that facilitates the accused Cast functionality in the
16 accused Cast-enabled apps and Cast-enabled software for transferring playback of streaming
17 media content from a Cast-enabled computing device or Cast-enabled display to a Cast-enabled
18 media player and then controlling the Cast-enabled media player’s playback via the Cast-enabled
19 computing device or Cast-enabled display, Google has actively, knowingly, and intentionally
20 induced (and continues to actively, knowingly, and intentionally induce) others to “mak[e]” and
21 “use” Cast-enabled computing devices and Cast-enabled displays, which constitutes direct
22 infringement of the asserted claims of the ’615 and ’033 Patents under 35 U.S.C. § 271(a).

23 As still a further example, for certain of the accused Cast-enabled apps (including
24 Google’s own Cast-enabled apps and third-party apps, such as Spotify), the backend software that
25 facilitates the accused Cast functionality for transferring playback of streaming media content
26 from a Cast-enabled computing device or Cast-enabled display to a Cast-enabled media player
27 and then controlling the Cast-enabled media player’s playback via the Cast-enabled computing
28 device or Cast-enabled display is hosted by Google on Cloud-based infrastructure that is owned

1 and/or operated by Google (sometimes referred to as Google Cloud Platform or “GCP” for short),
2 and by virtue of hosting this backend software, Google has actively, knowingly, and intentionally
3 induced (and continues to actively, knowingly, and intentionally induce) others to “mak[e]” and
4 “use” Cast-enabled computing devices and Cast-enabled displays, which constitutes direct
5 infringement of the asserted claims of the ’615 and ’033 Patents under 35 U.S.C. § 271(a).

6 As another example, through its relationship and collaboration with third parties, such as
7 Spotify, that develop and release third-party Cast-enabled apps having the accused Cast
8 functionality for transferring playback of streaming media content from a Cast-enabled
9 computing device or Cast-enabled display to a Cast-enabled media player and then controlling the
10 Cast-enabled media player’s playback via the Cast-enabled computing device or Cast-enabled
11 display, Google has actively, knowingly, and intentionally induced (and continues to actively,
12 knowingly, and intentionally induce) such third parties to “make[]” and “use[]” Cast-enabled
13 computing devices and Cast-enabled displays, which constitutes direct infringement of the
14 asserted claims of the ’615 and ’033 Patents under 35 U.S.C. § 271(a).

15 Along with its actual knowledge of the ’615 and ’033 Patents, Google also knew (or
16 should have known) that its actions would induce others to directly infringe the asserted claims of
17 the ’615 and ’033 Patents. For example, Google has supplied and continues to supply from the
18 United States its own Cast-enabled apps to users in the United States and abroad and encourages
19 installation and use of such Cast-enabled apps in the United States and abroad while knowing that
20 the installation and use of Google’s Cast-enabled apps will infringe the asserted claims of the
21 ’615 and ’033 Patents. As another example, Google has supplied and continues to supply from the
22 United States its Cast technology for incorporation into third-party Cast-enabled apps (such as
23 Spotify) and encourages installation and use of such third-party Cast-enabled apps while knowing
24 that the installation and use of these third-party Cast-enabled apps will infringe the asserted
25 claims of the ’615 and ’033 Patents. As yet another example, Google has supplied and continues
26 to supply Cast-enabled displays (and software for the Cast-enabled displays) to users and
27 encourages installation and use of Cast-enabled software on the Cast-enabled displays while
28 knowing that such installation and use will infringe the asserted claims of the ’615 and ’033

1 Patents. As still another example, for certain of the accused Cast-enabled apps (including
2 Google's own Cast-enabled apps and third-party apps, such as Spotify), Google has hosted and
3 continues to host backend software that facilitates the accused Cast functionality on Cloud-based
4 infrastructure that is owned and/or operated by Google while knowing that installation and use of
5 such Cast-enabled apps will infringe the asserted claims of the '615 and '033 Patents.

6 '966 Patent: Sonos contends that each computing device installed with at least the Google
7 Home app infringes every asserted claim of the '966 Patent. Despite knowing of the '966 Patent,
8 Google has actively, knowingly, and intentionally induced (and continues to actively, knowingly,
9 and intentionally induce) others to directly infringe the asserted claims by actively encouraging
10 others to make, use, offer to sell, sell, and/or import the aforementioned devices into the United
11 States in violation of 35 U.S.C. § 271(b).

12 For example, through Google's website, advertising and promotional material, user
13 guides, and/or the Google Play Store, and via audible or visual instructions emitted from or
14 displayed on the Cast-enabled media players, Cast-enabled computing devices, and/or Cast-
15 enabled displays, Google has actively, knowingly, and intentionally encouraged and induced (and
16 continues to actively, knowingly, and intentionally encourage and induce) others to install the
17 Google Home app onto computing devices, and thereby "make[]" an infringing device, which
18 constitutes direct infringement of claims 1-4, 6-12, 14-16 of the '966 Patent under 35 U.S.C. §
19 271(a).

20 As another example, through Google's website, advertising and promotional material, user
21 guides, and/or the Google Play Store, and via audible or visual instructions emitted from or
22 displayed on the Cast-enabled media players, Cast-enabled computing devices, and/or Cast-
23 enabled displays, Google has actively, knowingly, and intentionally encouraged and induced (and
24 continues to actively, knowingly, and intentionally encourage and induce) others to "use"
25 computing devices installed with the Google Home app, which constitutes direct infringement of
26 the asserted claims of the '966 Patent under 35 U.S.C. § 271(a).

27 As yet another example, Google has actively, knowingly, and intentionally encouraged
28 and (and continues to actively, knowingly, and intentionally encourage and induce) distributors

1 and retailers to “offer[] to sell” and “sell[]” computing devices installed with at least the Google
2 Home app, which constitutes direct infringement of the asserted claims of the ’966 Patent under
3 35 U.S.C. § 271(a).

4 As still another example, by making, importing, offering to sell, and selling Cast-enabled
5 media players that require users to install the Google Home app in order to set up and configure
6 the Cast-enabled media players and Cast-enabled displays, Google has actively, knowingly, and
7 intentionally induced (and continues to actively, knowingly, and intentionally induce) others to
8 “mak[e]” and “use” computing devices installed with the Google Home app, which constitutes
9 direct infringement of the asserted claims of the ’966 Patent under 35 U.S.C. § 271(a).

10 Along with its actual knowledge of the ’966 Patent, Google also knew (or should have
11 known) that its actions would induce others to directly infringe the asserted claims of the ’966
12 Patent. For example, Google has supplied and continues to supply from the United States the
13 Google Home app to users in the United States and abroad while knowing that the download and
14 installation of this app will infringe the asserted claims of the ’966 Patent.

15 ’885 Patent: Sonos contends that each Cast-enabled media player infringes every asserted
16 claim of the ’885 Patent. Despite knowing of the ’885 Patent, Google has actively, knowingly,
17 and intentionally induced (and continues to actively, knowingly, and intentionally induce) others
18 to directly infringe the asserted claims by actively encouraging others to make, use, offer to sell,
19 sell, and/or import Cast-enabled media players into the United States in violation of 35 U.S.C. §
20 271(b).

21 For example, through Google’s website, advertising and promotional material, user
22 guides, the Google Home app (among other apps offered by Google), and/or the Google Play
23 Store, Google has actively, knowingly, and intentionally encouraged and induced (and continues
24 to actively, knowingly, and intentionally encourage and induce) others to install firmware updates
25 onto Cast-enabled media players, and thereby “make[]” an infringing device, which constitutes
26 direct infringement of claims 1-3, 5-10, 12-14 of the ’885 Patent under 35 U.S.C. § 271(a).

27 As another example, through Google’s website, advertising and promotional material, user
28 guides, the Google Home app (among other apps offered by Google), and/or the Google Play

1 Store, Google has actively, knowingly, and intentionally encouraged and induced (and continues
 2 to actively, knowingly, and intentionally encourage and induce) others to “use” Cast-enabled
 3 media players, which constitutes direct infringement of the asserted claims of the ’885 Patent
 4 under 35 U.S.C. § 271(a).

5 As yet another example, Google has actively, knowingly, and intentionally induced (and
 6 continues to actively, knowingly, and intentionally induce) distributors and retailers to “offer[] to
 7 sell” and “sell[]” Cast-enabled media players, which constitutes direct infringement of the
 8 asserted claims of the ’885 Patent under 35 U.S.C. § 271(a).

9 Along with its actual knowledge of the ’885 Patent, Google also knew (or should have
 10 known) that its actions would induce others to directly infringe the asserted claims of the ’885
 11 Patent. For instance, Google has supplied and continues to supply Cast-enabled media players (as
 12 well as firmware updates) to users while knowing that the use of Cast-enabled media players will
 13 infringe the asserted claims of the ’885 Patent.

14 **iii. Contributory Infringement Under 35 U.S.C. § 271(c)**

15 Pursuant to 35 U.S.C. § 271(c), Google has also contributorily infringed (and continues to
 16 contributorily infringe) the asserted claims of the Asserted Patents by supplying software
 17 components in the United States to be installed and/or used by users of the Accused
 18 Instrumentalities – each of which is a material component of the Accused Instrumentalities that
 19 has no substantial noninfringing use – with knowledge that the software components were
 20 especially made or adapted for use in an Accused Instrumentality such that the installation and/or
 21 use of the software components would result in direct infringement. As noted in Sonos’s
 22 Amended Complaint, Google had actual knowledge of the Asserted Patents prior to the filing of
 23 the Complaint. *See also* Google LLC’s Objections and Responses to Sonos’s Inc.’s First Set of
 24 Interrogatories (Nos. 1-20) (dated September 7, 2021) at Google’s response to Sonos’s
 25 Interrogatory No. 1; Sonos, Inc.’s Objections and Responses to Google LLC’s First Set of
 26 Interrogatories (Nos. 1-20) (dated September 7, 2021) at Sonos’s response to Google’s
 27 Interrogatory No. 14, both of which are herein incorporated by reference.

1 '615 and '033 Patents: Google has contributorily infringed (and continues to
2 contributorily infringe) the asserted claims of the '615 and '033 Patents by virtue of the fact that
3 (i) in addition to importing and selling certain Cast-enabled computing devices that come pre-
4 installed with one or more of the accused Cast-enabled apps, Google supplies software
5 components for performing the accused Cast functionality as part of Google's own Cast-enabled
6 apps for installation onto Cast-enabled computing devices in the United States and also as part of
7 Google's own Cast-enabled software (e.g., firmware and/or Cast-enabled apps) for installation
8 onto Cast-enabled displays in the United States, and each time a user installs these software
9 components, the user "makes" an infringing device and thereby directly infringes the asserted
10 claims of the '615 and '033 Patents under 35 U.S.C. § 271(a), and (ii) on information and belief,
11 Google additionally supplies software components for performing the accused Cast functionality
12 to third parties (such as Spotify) that incorporate such software code into third-party Cast-enabled
13 apps for installation onto Cast-enabled computing devices and/or Cast-enabled displays in the
14 United States, and each time a user installs these software components, the user "makes" an
15 infringing device.

16 The software components for performing the accused Cast functionality are material
17 components of infringing devices that are not staple articles or commodities of commerce suitable
18 for substantial noninfringing use because the only possible use for these software components is
19 to be installed and run on infringing Cast-enabled computing devices and Cast-enabled displays.

20 Along with its actual knowledge of the '615 and '033 Patents, Google knew (or should
21 have known) that the software components for performing the accused Cast functionality were
22 especially made or adapted for installation on infringing devices, and that installation of these
23 software components by others resulted in (and continues to result in) direct infringement of the
24 '615 and '033 Patents under 35 U.S.C. § 271(a) because each such installation "makes" a device
25 that meets every element of claims 13-15, 18-21, 23-26, 28-29 of the '615 Patent and claims 1-2,
26 4, 7-13 of the '033 Patent .

27 Moreover, as a result of Google's contributory conduct, others have directly infringed the
28 asserted claims of the '615 and '033 Patents. For example, users have installed the supplied

1 software components for performing the accused Cast functionality (which are included in
2 Google’s own Cast-enabled apps, as well as third-party apps, such as Spotify) onto Cast-enabled
3 computing devices in the United States, thereby “making” infringing devices. As another
4 example, users have installed the supplied software components for performing the accused Cast
5 functionality (which are included in firmware, as well as Cast-enabled apps) onto Cast-enabled
6 displays in the United States, thereby “making” updated Cast-enabled displays that are infringing
7 devices. As yet another example, after installing the supplied software components for
8 performing the accused Cast functionality onto Cast-enabled computing devices and Cast-enabled
9 displays, users have used these infringing devices, which also constitutes direct infringement.

10 ’966 Patent: Google has contributorily infringed (and continues to contributorily infringe)
11 the asserted claims of the ’966 Patent by virtue of the fact that it supplies software components
12 for performing the accused functionality as part of the Google Home app in the United States, and
13 each time a user installs the Google Home app onto a computing device, the user “makes” an
14 infringing device and thereby directly infringes the asserted claims of the ’966 Patent under 35
15 U.S.C. § 271(a). The software components included in the Google Home app are material
16 components of infringing devices that are not staple articles or commodities of commerce suitable
17 for substantial noninfringing use because the only possible use for these software components is
18 to be installed and run on infringing computing devices.

19 Along with its actual knowledge of the ’966 Patent, Google knew (or should have known)
20 that the software components included in the Google Home app were especially made or adapted
21 for installation on infringing devices, and that installation of these software components by others
22 resulted in (and continues to result in) direct infringement of the ’966 Patent under 35 U.S.C. §
23 271(a) because each such installation “makes” a device that meets every element of claims 1-4, 6-
24 12, 14-16 of the ’966 Patent .

25 Moreover, as a result of Google’s contributory conduct, others have directly infringed the
26 asserted claims of the ’966 Patent. For example, users have installed the supplied software
27 components included as part of the Google Home app onto computing devices in the United
28 States, thereby “making” infringing computing devices. As another example, after installing the

1 software components included as part of the Google Home app onto computing devices, users
2 have used these infringing devices, which also constitutes direct infringement of the asserted
3 claims.

4 '885 Patent: Google has contributorily infringed (and continues to contributorily infringe)
5 the asserted claims of the '885 Patent by virtue of the fact that, in addition to importing and
6 selling Cast-enabled media players that come pre-installed with firmware, Google supplies
7 software components for performing the accused functionality as part of firmware updates for
8 Cast-enabled media players in the United States, and each time a user installs such a firmware
9 update, the user “makes” an infringing device and thereby directly infringes claims 1-3, 5-10, 12-
10 14 of the '885 Patent under 35 U.S.C. § 271(a). The software components included in the
11 firmware updates are material components of Cast-enabled media players that are not staple
12 articles or commodities of commerce suitable for substantial noninfringing use because the only
13 possible use for these software components is to be installed and run on Cast-enabled media
14 players.

15 Along with its actual knowledge of the '885 Patent, Google knew (or should have known)
16 that the software components included in the firmware updates were especially made or adapted
17 for installation on Cast-enabled media players, and that installation of these software components
18 by others resulted in (and continues to result in) direct infringement of the '885 Patent under 35
19 U.S.C. § 271(a) because each such installation “makes” an updated player that meets every
20 element claims 1-3, 5-10, 12-14 of the '885 Patent.

21 Moreover, as a result of Google’s contributory conduct, others have directly infringed the
22 asserted claims of the '885 Patent. For example, users have installed the supplied software
23 components included as part of the firmware updates onto Cast-enabled media players in the
24 United States, thereby “making” updated Cast-enabled media players, which constitutes direct
25 infringement. As another example, after installing the software components included as part of
26 the firmware updates onto Cast-enabled media players, users have used Cast-enabled media
27 players, which also constitutes direct infringement of the asserted claims.

1 **iv. Infringement Under 35 U.S.C. § 271(f)(1)**

2 Pursuant to 35 U.S.C. § 271(f)(1), Google has also infringed by supplying in or from the
 3 United States software and/or firmware components, which constitute substantial portions of the
 4 components of Sonos's patented inventions, and actively, knowingly, and intentionally induced
 5 (and continues to actively, knowingly, and intentionally induce) others outside of the United
 6 States to combine these software and/or firmware components in a manner that, if such
 7 combination would have occurred in the United States (as it does pursuant to the theories set forth
 8 in § I.B.iii), infringes the asserted claims of the Asserted Patents. And these combinations by
 9 those outside of the United States do in fact occur. Accordingly, by supplying such software
 10 and/or firmware components from the United States, Google is liable for infringement under 35
 11 U.S.C. § 271(f)(1).

12 '615 and '033 Patents: Sonos contends that each Cast-enabled computing device, as well
 13 as each Cast-enabled display, infringes every asserted claim of the '615 and '033 Patents. Despite
 14 knowing of the '615 and '033 Patents, Google supplies software components for performing the
 15 accused Cast functionality as part of Google's own Cast-enabled apps for installation onto Cast-
 16 enabled computing devices and also as part of Google's own Cast-enabled software (e.g.,
 17 firmware and/or Cast-enabled apps) for installation onto Cast-enabled displays. These software
 18 and/or firmware components are at least substantial portions of the components of the patented
 19 inventions of the '615 and '033 Patents. Google supplies these software and/or firmware
 20 components from the United States to various entities outside the United States. Google then
 21 induces those entities to combine the supplied components in a manner that would, if combined
 22 within the United States, constitute infringement. Google has actively, knowingly, and
 23 intentionally induced (and continues to actively, knowingly, and intentionally induce) these
 24 entities to make such combinations outside the United States in various ways, in violation of 35
 25 U.S.C. § 271(f)(1).

26 For example, through Google's website, advertising and promotional material, user
 27 guides, and/or the Google Play Store, Google has actively, knowingly, and intentionally
 28 encouraged and induced (and continues to actively, knowingly, and intentionally encourage and

1 induce) others outside the United States to install one or more of the accused Cast-enabled apps
2 (including Google’s own Cast-enabled apps and third-party Cast-enabled apps, such as Spotify)
3 onto computing devices outside of the United States. If this combination were done within the
4 United States, that act would constitute “mak[ing]” an infringing device, which constitutes direct
5 infringement of claims 13-15, 18-21, 23-26, 28-29 of the ‘615 Patent and claims 1-2, 4, 7-13 of
6 the ‘033 Patent under 35 U.S.C. § 271(a).

7 As another example, through Google’s website, advertising and promotional material, user
8 guides, and Cast-enabled apps, Google has actively, knowingly, and intentionally encouraged and
9 induced (and continues to actively, knowingly, and intentionally encourage and induce) others
10 outside the United States to install Cast-enabled software (e.g., firmware updates and/or Cast-
11 enabled apps) onto the Cast-enabled displays outside of the United States. If this combination
12 were done within the United States, that act would constitute “mak[ing]” an infringing device,
13 which constitutes direct infringement of claims 13-15, 18-21, 23-26, 28-29 of the ‘615 Patent and
14 claims 1-2, 4, 7-13 of the ‘033 Patent under 35 U.S.C. § 271(a).

15 As another example, through Google’s relationship with third-party manufacturers, third-
16 party distributors, or via an otherwise affiliated entity that acts in a manufacturer or distributor
17 role, Google actively, knowingly, and intentionally encourages and induces or instructs such
18 parties to install one or more of the accused Cast-enabled apps (including Google’s own Cast-
19 enabled apps and third-party Cast-enabled apps, such as Spotify) onto computing devices outside
20 of the United States. If this combination were done within the United States, that act would
21 constitute “mak[ing]” an infringing device, which constitutes direct infringement of claims 13-15,
22 18-21, 23-26, 28-29 of the ‘615 Patent and claims 1-2, 4, 7-13 of the ‘033 Patent under 35 U.S.C.
23 § 271(a).

24 As another example, through Google’s relationship with third-party manufacturers, third-
25 party distributors, or via an otherwise affiliated entity that acts in a manufacturer or distributor
26 role, Google actively, knowingly, and intentionally encourages and induces or instructs such
27 parties to install Cast-enabled software (e.g., firmware updates and/or Cast-enabled apps) onto the
28 Cast-enabled displays outside of the United States. If this combination were done within the

1 United States, that act would constitute “mak[ing]” an infringing device, which constitutes direct
 2 infringement of claims 13-15, 18-21, 23-26, 28-29 of the ‘615 Patent and claims 1-2, 4, 7-13 of
 3 the ‘033 Patent under 35 U.S.C. § 271(a).

4 As still another example, through Google’s relationship with entities (including affiliated
 5 entities) that operate servers outside of the United States that host Cast-enabled apps for
 6 download onto Cast-enabled computing devices and/or Cast-enabled software (e.g., firmware
 7 and/or Cast-enabled apps) for download onto Cast-enabled displays, Google actively, knowingly,
 8 and intentionally encourages and induces or instructs these entities to load, store, or otherwise
 9 provide the Cast-enabled apps and/or Cast-enabled software onto these servers. If this
 10 combination were done within the United States, that act would constitute direct infringement of
 11 certain asserted claims of the ‘615 and ‘033 Patents (e.g., claims 13-15, 18-21, and 23-24 of the
 12 ‘615 Patent and claims 12-13 of the ‘033 Patent) by “mak[ing]” and/or “us[ing]” servers that host
 13 such software in violation of 35 U.S.C. § 271(a).

14 As still another example, through its relationship and collaboration with third parties
 15 outside the United States, such as Spotify, that develop and release third-party Cast-enabled apps
 16 having the accused Cast functionality for transferring playback of streaming media content from a
 17 Cast-enabled computing device or Cast-enabled display to a Cast-enabled media player and then
 18 controlling the Cast-enabled media player’s playback via the Cast-enabled computing device or
 19 Cast-enabled display, Google has provided software components to these third parties and then
 20 actively, knowingly, and intentionally induced (and continues to actively, knowingly, and
 21 intentionally induce) such third parties to incorporate these software components into apps and
 22 products in a manner that if done within the United States, would constitute direct infringement of
 23 certain asserted claims of the ‘615 and ‘033 Patents (e.g., claims 13-15, 18-21, 23-26, 28-29 of
 24 the ‘615 Patent and claims 1-2, 4, 7-13 of the ‘033 Patent) by “mak[ing]” or “us[ing]” an
 25 infringing device under 35 U.S.C. § 271(a).

26 ’966 Patent: Sonos contends that each computing device installed with at least the Google
 27 Home app infringes every asserted claim of the ‘966 Patent. Despite knowing of the ‘966 Patent,
 28 Google supplies the Google Home app from the United States to various entities outside the

1 United States. Google then induces those entities to combine the Google Home app in a manner
2 that would, if combined within the United States, constitute infringement. Google has actively,
3 knowingly, and intentionally induced (and continues to actively, knowingly, and intentionally
4 induce) these entities to make such combinations outside the United States in various ways, in
5 violation of 35 U.S.C. § 271(b).

6 For example, through Google’s website, advertising and promotional material, user
7 guides, and/or the Google Play Store, and via audible or visual instructions emitted from or
8 displayed on the Cast-enabled media players and Cast-enabled displays, Google has actively,
9 knowingly, and intentionally encouraged and induced (and continues to actively, knowingly, and
10 intentionally encourage and induce) others outside the United States to install the Google Home
11 app onto computing devices outside the United States. If this combination were done within the
12 United States, that act would constitute “mak[ing]” an infringing device, which constitutes direct
13 infringement of claims 1-4, 6-12, 14-16 of the ’966 Patent under 35 U.S.C. § 271(a).

14 As another example, through Google’s relationship with entities (including affiliated
15 entities) that operate servers outside of the United States that host the Google Home app for
16 download onto smartphone, tablet, and computer devices, Google actively, knowingly, and
17 intentionally encourages and induces or instructs these entities to load, store, or otherwise provide
18 the Google Home app onto these servers. If this combination were done within the United States,
19 that act would constitute direct infringement of certain asserted claims of the ’966 Patent (e.g.,
20 claims 9-12 and 14-16) by “mak[ing]” and/or “us[ing]” servers that host such software in
21 violation of 35 U.S.C. § 271(a).

22 ’885 Patent: Sonos contends that each Cast-enabled media player infringes every asserted
23 claim of the ’885 Patent. Despite knowing of the ’885 Patent, Google supplies from the United
24 States software components for performing the accused functionality as part of firmware updates
25 for Cast-enabled media players. Google then through Google’s website, advertising and
26 promotional material, user guides, the Google Home app (among other apps offered by Google),
27 and/or the Google Play Store, Google has actively, knowingly, and intentionally encouraged and
28 induced (and continues to actively, knowingly, and intentionally encourage and induce) others

1 outside the United States to install firmware updates onto Cast-enabled media players outside the
 2 United States. If this combination were done within the United States, that act would constitute
 3 “mak[ing]” or “us[ing]” an infringing device, which constitutes direct infringement of the
 4 asserted claims of the ‘885 Patent under 35 U.S.C. § 271(a).

5 As another example, through Google’s relationship with third-party manufacturers, third-
 6 party distributors, or via an otherwise affiliated entity that acts in a manufacturer or distributor
 7 role, Google actively, knowingly, and intentionally encourages and induces or instructs such
 8 parties to, outside of the United States, install or load firmware onto Cast-enabled media players.
 9 If this combination were done within the United States, that act would constitute “mak[ing]” an
 10 infringing device, which constitutes direct infringement of claims 1-3, 5-10, 12-14 of the ‘885
 11 Patent under 35 U.S.C. § 271(a).

12 **v. Infringement Under 35 U.S.C. § 271(f)(2)**

13 Pursuant to 35 U.S.C. § 271(f)(2), Google has also infringed by supplying software
 14 components in or from the United States to be combined, installed, loaded, and/or used by others
 15 outside of the United States, where these software components are components of the patented
 16 inventions that have no substantial noninfringing use and are not staple articles or commodities of
 17 commerce – with knowledge that these software components were especially made or adapted for
 18 use and an intent that these software components would be combined, installed, loaded, and/or
 19 used outside the United States such that, if such combination, installation, load, and/or use
 20 occurred within the United States (as it does pursuant to the theories set forth in § I.B.iii), it
 21 would infringe the asserted claims of the Asserted Patents. And these combinations by those
 22 outside of the United States do in fact occur. Accordingly, by supplying such software
 23 components in or from the United States, Google is liable for infringement under 35 U.S.C. §
 24 271(f)(2).

25 ‘615 and ‘033 Patents: Sonos contends that each Cast-enabled computing device, as well
 26 as each Cast-enabled display, infringes every asserted claim of the ‘615 and ‘033 Patents.
 27 Despite knowing of the ‘615 and ‘033 Patents, Google supplies software components for
 28 performing the accused Cast functionality as part of Google’s own Cast-enabled apps for

1 installation onto Cast-enabled computing devices outside the United States and also as part of
2 Google's own Cast-enabled software (e.g., firmware and/or Cast-enabled apps) for installation
3 onto Cast-enabled displays outside the United States. Google intends that others outside the
4 United States, including users, install these software components onto computing devices and
5 Cast-enabled displays and knows that such installation does in fact occur and that such
6 installation, if occurring in the United States, would constitute "mak[ing]" an infringing device
7 thereby directly infringing claims 13-15, 18-21, 23-26, 28-29 of the '615 Patent and claims 1-2, 4,
8 7-13 of the '033 Patent under 35 U.S.C. § 271(a).

9 Despite knowing of the '615 and '033 Patents, Google additionally supplies software
10 components for performing the accused Cast functionality to third parties (such as Spotify) that
11 incorporate such software code into third-party Cast-enabled apps for installation onto Cast-
12 enabled computing devices and/or Cast-enabled displays outside of the United States. Google
13 intends that these third parties (such as Spotify) incorporate such software code into third-party
14 Cast-enabled apps for installation onto Cast-enabled computing devices and/or Cast-enabled
15 displays outside of the United States and knows that such incorporation does in fact occur and
16 that such incorporation, if occurring in the United States, would constitute "mak[ing]" an
17 infringing device thereby directly infringing claims 13-15, 18-21, 23-26, 28-29 of the '615 Patent
18 and claims 1-2, 4, 7-13 of the '033 Patent under 35 U.S.C. § 271(a).

19 As another example, Google supplies software components for performing the accused
20 Cast functionality to third-party manufacturers, third-party distributors, or to an otherwise
21 affiliated entity that acts in a manufacturer or distributor role, who then, outside of the United
22 States installs these software components onto computing devices outside of the United States.
23 Google intends that these parties install these software components onto computing devices
24 outside of the United States. If this combination were done within the United States, that act
25 would constitute "mak[ing]" an infringing device, which constitutes direct infringement of claims
26 13-15, 18-21, 23-26, 28-29 of the '615 Patent and claims 1-2, 4, 7-13 of the '033 Patent under 35
27 U.S.C. § 271(a).

1 As another example, Google supplies software components for performing the accused
2 Cast functionality to entities (including affiliated entities) that operate servers outside of the
3 United States that host Cast-enabled apps for download onto Cast-enabled computing devices
4 and/or Cast-enabled software (e.g., firmware and/or Cast-enabled apps) for download onto Cast-
5 enabled displays. Google intends that these entities load, store, or otherwise provide the Cast-
6 enabled apps and/or Cast-enabled software onto these servers. If this combination were done
7 within the United States, that act would constitute direct infringement of certain asserted claims
8 of the '615 and '033 Patents (e.g., claims 13-15, 18-21, and 23-24 of the '615 Patent and claims
9 12-13 of the '033 Patent) by “mak[ing]” and/or “us[ing]” servers that host such software in
10 violation of 35 U.S.C. § 271(a).

11 Google knows the foregoing software components for performing the accused Cast
12 functionality are material components of infringing devices and the patented inventions that are
13 not staple articles or commodities of commerce suitable for substantial noninfringing use because
14 the only possible use for these software components is to be loaded, installed, and/or run on
15 infringing Cast-enabled computing devices and Cast-enabled displays.

16 '966 Patent: Sonos contends that each computing device installed with at least the Google
17 Home app infringes every asserted claim of the '966 Patent. Despite knowing of the '966 Patent,
18 Google supplies software components for performing the accused functionality as part of the
19 Google Home app in or from the United States to various entities outside the United States.
20 Google knows and intends for those entities to combine the software components in a manner that
21 would, if combined within the United States, constitute infringement because each combination
22 or installation of the Google Home app onto a computing device would constitute “mak[ing]” an
23 infringing device and thus directly infringe claims 1-4, 6-12, 14-16 of the '966 Patent under 35
24 U.S.C. § 271(a).

25 Google knows that the software components included in the Google Home app are
26 material components of infringing devices that are not staple articles or commodities of
27 commerce suitable for substantial noninfringing use because the only possible use for these
28 software components is to be installed and run on infringing computing devices.

1 Along with its actual knowledge of the '966 Patent, Google knew (or should have known)
 2 that the software components included in the Google Home app were especially made or adapted
 3 for installation on infringing devices, and that installation of these software components by others
 4 outside of the United States would, if done within the United States, constitute (and continues to
 5 result in) direct infringement of the '966 Patent under 35 U.S.C. § 271(a) because each such
 6 installation “makes” a device that meets every element of every asserted claims.

7 Moreover, as a result of Google providing software components of the Google Home app,
 8 others have outside of the United States combined the Google Home app in a manner that, if done
 9 within the United States, would constitute direct infringement of the asserted claims of the '966
 10 Patent. For example, others outside the United States have installed the Google Home app onto
 11 computing devices outside the United States. If this combination were done within the United
 12 States, that act would constitute “mak[ing]” an infringing device, which constitutes direct
 13 infringement of claims 1-4, 6-12, 14-16 of the '966 Patent under 35 U.S.C. § 271(a).

14 As another example, Google supplies software components of the Google Home app to
 15 entities (including affiliated entities) that operate servers outside of the United States that host the
 16 Google Home app for download onto smartphone, tablet, and computer devices. Google intends
 17 that these entities load, store, or otherwise provide the Google Home app onto these servers. If
 18 this combination were done within the United States, that act would constitute direct infringement
 19 of certain asserted claims of the '966 Patent (e.g., claims 9-12 and 14-16) by “mak[ing]” and/or
 20 “us[ing]” servers that host such software in violation of 35 U.S.C. § 271(a).

21 '885 Patent: Sonos contends that each Cast-enabled media player infringes every asserted
 22 claim of the '885 Patent. Despite knowing of the '885 Patent, Google supplies in or from the
 23 United States software components for performing the accused functionality as part of firmware
 24 updates for Cast-enabled media players, and users install such a firmware update outside of the
 25 United States in a manner that, if done within the United States, would constitute “mak[ing]” an
 26 infringing device and thereby directly infringe claims 1-3, 5-10, 12-14 of the '885 Patent under 35
 27 U.S.C. § 271(a). The software components included in the firmware updates are material
 28 components of the patented invention that are not staple articles or commodities of commerce

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